

IN THE CLAIMS

1. (withdrawn) A therapeutic adhesive formulation for use as a transdermal delivery system comprising:

an adhesive material;

a pharmaceutically active agent in protonated form;

a nonaqueous solvent capable of dissolving said pharmaceutically active agent in either protonated or nonprotonated form;

and a biocompatible deprotonating agent which is strong enough to substantially deprotonate said pharmaceutically active agent without causing irritation upon prolonged exposure to skin;

said adhesive material, said pharmaceutically active agent, said nonaqueous solvent and said deprotonating agent being admixed into a substantially homogeneous mixture capable of being used to formulate a transdermal delivery patch for administration of said pharmaceutically active agent.

2. (withdrawn) The therapeutic adhesive formulation of claim 1, wherein said adhesive material is selected from the group consisting of acrylics, silicones, polyisoalkylenes, rubbers, vinyl acetates, polyisobutylene rubber, polybutadiene, styrene-butadiene (or isoprene)-styrene block copolymer rubber, acrylic rubber, natural rubber, vinyl-based high molecular weight materials, polyvinyl acetate, polyvinyl alcohol, polyvinyl pyrrolidone; cellulose derivatives, polysaccharides, polyurethane elastomers and polyester elastomers.

3. (withdrawn) The therapeutic adhesive formulation of claim 2, wherein said adhesive material is an acrylic adhesive.

4. (withdrawn) The therapeutic adhesive formulation of claim 1, wherein said protonated form of said pharmaceutically active agent is selected from the group consisting of selegiline-HCl, propranolol-HCl, ketorolac-HCl, buprenorphine-HCl, scopolamine-HCl, terbutaline-HCl, clonidine-HCl, morphine-

HCl, terazosin-HCl, prazosine-HCl, dliazem-HCl, verapamil-HCl, and ciproflaxocin-HCl.

5. (withdrawn) The therapeutic adhesive formulation of claim 1, wherein said nonaqueous solvent is an alcohol.

6. (withdrawn) The therapeutic adhesive formulation of claim 5, wherein said alcohol is a monoalcohol.

7. (withdrawn) The therapeutic adhesive formulation of claim 6, wherein said monoalcohol is selected from the group consisting of ethanol, propanol, isopropanol, butanol, and tertbutyl alcohol.

8. (withdrawn) The therapeutic adhesive formulation of claim 5, wherein said alcohol is a normal short chain polyol of between about 2 and about 4 carbons in length.

9. (withdrawn) The therapeutic adhesive formulation of claim 8, wherein said alcohol is selected from the group consisting of 1,2 propanediol, 1,4 butanediol, glycerol, ethylene glycol, and propylene glycol.

10. (withdrawn) The therapeutic adhesive formulation of claim 5, wherein said alcohol is a generally low molecular weight polyalkylene glycol having an average molecular weight of less than about 400.

11. (withdrawn) The therapeutic adhesive formulation of claim 1, wherein said nonaqueous solvent is an acetate.

12. (withdrawn) The therapeutic adhesive formulation of claim 1, wherein said deprotonating agent has a  $pK_b$  which is at least about 0.75 lower than the  $pK_b$  of the nonprotonated form of said pharmaceutically active agent.

13. (withdrawn) The therapeutic adhesive formulation of claim 12, wherein said deprotonating agent has a  $pK_b$  which is between about 4 and about 10.

14. (withdrawn) The therapeutic adhesive formulation of claim 13, wherein said deprotonating agent is selected from the

group consisting of polymeric imines, aromatic imines, alkanol imines, polymeric amines, aromatic amines, alkanolamines, and alkyl-aryl amines.

15. (withdrawn) The therapeutic adhesive formulation of claim 14, wherein said deprotonating agent is an alkanolamine selected from the group consisting of triethanolamine, diethanolamine, ethanolamine, and propanolamine.

16. (withdrawn) The therapeutic adhesive formulation of claim 13, wherein said deprotonating agent is a polymeric imine selected from the group consisting of polyethylene imine polydimethylaminoethyl methacrylate and polyacryloamin.

17. (withdrawn) The therapeutic adhesive formulation of claim 12 wherein said deprotonating agent has pharmaceutical activity.

18. (withdrawn) The therapeutic adhesive formulation of claim 1, wherein the amount of said adhesive material ranges from between about 30 to about 85 percent by weight based on the weight of the total formulation.

19. (withdrawn) The therapeutic adhesive formulation of claim 18, wherein the amount of said adhesive material ranges from between about 45 to about 75 percent by weight based on the weight of the total formulation.

20. (withdrawn) The therapeutic adhesive formulation of claim 1, wherein the amount of said pharmaceutically active agent ranges from between about 0.1 to about 45 percent by weight based on the weight of the total formulation.

21. (withdrawn) The therapeutic adhesive formulation of claim 20, wherein the amount of said pharmaceutically active agent ranges from between about 2 to about 20 percent by weight based on the weight of the total formulation.

22. (withdrawn) The therapeutic adhesive formulation of claim 1, wherein the amount of said nonaqueous solvent ranges

from between about 5 to about 30 percent by weight based on the total weight of the formulation.

23. (withdrawn) The therapeutic adhesive formulation of claim 22, wherein the amount of said nonaqueous solvent ranges from between about 10 to about 20 percent by weight based on the total weight of the formulation.

24. (withdrawn) The therapeutic adhesive formulation of claim 1, wherein the amount of said biocompatible deprotonating agent is sufficient to substantially completely deprotonate said pharmaceutically active agent.

25. (withdrawn) The therapeutic adhesive formulation of claim 24, wherein the amount of said biocompatible deprotonating agent is at least a stoichiometric amount when compared to the amount of said pharmaceutically active agent.

26. (withdrawn) The therapeutic adhesive formulation of claim 1, wherein at least a portion of said biocompatible deprotonating agent is removed prior mixing with said adhesive material.

27. (withdrawn) The therapeutic adhesive formulation of claim 1, wherein at least a portion of said biocompatible deprotonating agent is removed after mixing with said adhesive material.

28. (withdrawn) The therapeutic adhesive formulation of claim 13 wherein said pharmaceutically active agent has a  $pK_b$  of between about 4.75 and about 11.

29. (withdrawn) A therapeutic drug delivery patch for the transdermal delivery of a drug comprising:

a backing layer, a peelable cover layer sealably and removably associated with said backing layer and the therapeutic adhesive formulation of claim 1 disposed therebetween so as to be exposed for intimate contact with the skin of a patient when said peelable core layer is removed, said patch being substantially without a means to prevent any reaction between

said pharmaceutically active agent and said biocompatible deprotonating agent.

30. (withdrawn) A therapeutic drug delivery patch for the transdermal delivery of a drug comprising:

a backing layer, a peelable cover layer sealably and removably associated with said backing layer and the therapeutic adhesive formulation of claim 12 disposed therebetween so as to be exposed for intimate contact with the skin of a patient when said peelable core layer is removed, said patch being substantially without a means to prevent any reaction between said pharmaceutically active agent and said biocompatible deprotonating agent.

31. (withdrawn) A therapeutic drug delivery patch of claims 29 or 30, further comprising a means for controlling the rate of a deprotonation reaction between said protonated pharmaceutically active agent and said deprotonating agent.

32. (withdrawn) The therapeutic drug delivery patch of claim 31, wherein said means for controlling said deprotonating reaction includes providing a plurality of adhesive layers, at least one of said layers including said protonated pharmaceutically active agent and at least one other of said layers including said biocompatible deprotonating agent.

33. (withdrawn) The therapeutic drug delivery patch of claim 31, wherein said means for controlling said deprotonation reaction is a viscosity modifier.

34. (withdrawn) A method of producing an adhesive formulation for a therapeutic drug delivery patch adapted for the transdermal delivery of a drug comprising the steps of:

providing a pharmaceutically active agent in protonated form, whose corresponding nonprotonated form has a given  $pK_b$  which ranges from between about 4.75 and about 11;

dissolving said protonated pharmaceutically active agent in a nonaqueous solvent, said nonaqueous solvent being capable of

dissolving said pharmaceutically active agent in both a protonated and nonprotonated forms;

reacting said dissolved pharmaceutically active agent with a biocompatible deprotonating agent which can substantially deprotonate said pharmaceutically active agent without causing irritation upon prolonged exposure to the skin, said biocompatible deprotonating agent having a  $pK_b$  which is at least about 0.75 lower than said  $pK_b$  of said pharmaceutically active agent in nonprotonated form, said deprotonated agent thereby becoming protonated; and

incorporating at least said deprotonated pharmaceutically active agent into an adhesive material so as to form a therapeutic adhesive formulation.

35. (withdrawn) The method of claim 34 further comprising the step of separating at least a portion of said protonated deprotonating agent from said mixture of deprotonated pharmaceutically active agent, solvent and protonated deprotonating agent prior to incorporating said pharmaceutically active agent into said adhesive agent.

36. (withdrawn) The method of claim 34 further comprising the step of separating at least a portion of said protonated deprotonating agent from said mixture of deprotonated pharmaceutically active agent, solvent and protonated deprotonating agent after incorporating said pharmaceutically active agent into said adhesive agent.

37. (withdrawn) The method of claim 35 or 36 wherein said protonated deprotonating agent is in the form of a crystal or precipitate.

38. (withdrawn) The method of claims 35 or 36 wherein said protonated deprotonating agent is separated by filtration.

39. (withdrawn) The method of claims 35 or 36 wherein said protonated deprotonating agent is separated by centrifugation.

40. (withdrawn) A therapeutic drug delivery patch for the percutaneous delivery of a drug comprising:

a backing layer;

a peelable cover layer sealably and removably associated with said backing layers;

and a therapeutic adhesive formulation comprising an adhesive material, a first pharmaceutically active agent in nonprotonated, a second pharmaceutically active agent in the form of a protonated salt having a  $pK_b$  which is higher than the  $pK_b$  of said first pharmaceutically active agent and a nonaqueous solvent capable of dissolving said first and said second pharmaceutically active agents in at least one form;

said therapeutic adhesive formulation being disposed between said backing layer and said peelable cover layer so as to be exposed for intimate contact with the skin of a patient once said peelable layer is removed.

41. (withdrawn) A method of producing a therapeutic drug delivery patch for the percutaneous delivery of a drug comprising the steps of:

forming a first layer including at least one pharmaceutically active agent in protonated form;

forming a second layer including at least one deprotonating agent capable of completely deprotonating said pharmaceutically active agent in said first layer;

drying said first and said second layers;

placing said first and said second layers into intimate contact with one another;

and placing said first and said second layers into a therapeutic drug delivery patch.

42. (withdrawn) The method of claim 41 wherein said deprotonating agent has a  $pK_b$  which is at least 0.75 lower than the  $pK_b$  of said pharmaceutically active agent.

43. (withdrawn) The method of claim 42 wherein said deprotonating agent has a  $pK_b$  which is at least 1.0 lower than the  $pK_b$  of said pharmaceutically active agent.

44. (withdrawn) The method of claim 41 wherein the  $pK_b$  of said pharmaceutically active agent ranges from between about 4.75 and about 11.

45. (withdrawn) The method of claim 41 wherein the  $pK_b$  of said deprotonating agent ranges from between about 4 and about 10.

46. (withdrawn) The method of claim 41 wherein at least one of said layers is an adhesive formulation..

47. (withdrawn) The method of claim 41 wherein both of said layers are adhesive formulations.

48. (withdrawn) The method of claim 41 further comprising the step of adjusting the diffusion characteristics of said first and said second layers so as to influence the rate of the deprotonating reaction between said pharmaceutically active agent disposing said first layer and said deprotonating agent disposed in said second layer.

49. (withdrawn) A method of producing a transdermal therapeutic adhesive formulation including at least one highly plasticizing drug comprising the steps of:

providing between about 65% and about 97%, by weight, of an acrylic polymeric adhesive which includes between about 40% and about 90% of a  $C_4-C_{12}$  alkyl acrylate, between about 10% and about 40% by weight of a  $C_1-C_4$  alkyl acrylate hardening monomer; between about 1% and about 20% by weight of a functionalizing monomer which facilitates crosslinking; and a crosslinking agent;

mixing said acrylic polymeric adhesive with a highly plasticizing drug in an amount which is sufficient to provide between about 3% and about 35% of said drug by weight based on the weight of the mixture when said transdermal therapeutic adhesive formulation is dry;

and crosslinking said acrylic polymeric adhesive to form a matrix capable of controlling the release of said highly plasticizing drug.

50. (withdrawn) The method of claim 49 wherein between about 3% and about 70% of said drug is mixed with said acrylic polymeric adhesive.

51. (withdrawn) The method of claim 49 wherein crosslinking is accomplished *in situ* by drying the mixture.

52. (withdrawn) The method of claim 49 wherein said C<sub>4</sub>-C<sub>12</sub> alkyl acrylate is selected from the group consisting of 2-ethylhexyl acrylate, butyl acrylate, n-decyl, n-nonyl, 2 ethyooctyl, isooctyl and dodecyl-acrylate.

53. (withdrawn) The method of claim 49 wherein said C<sub>4</sub>-C<sub>12</sub> alkyl acrylate is provided in an amount of between about 60% and about 80% by weight based on the total weight of the acrylic polymeric adhesive.

54. (withdrawn) The method of claim 49 wherein said C<sub>1</sub>-C<sub>4</sub> alkyl acrylate hardening monomer is selected from the group consisting of methyl acrylate, methyl methacrylate, ethylacrylate, ethyl methacrylate, hydroxyethyl acrylate and hydroxy propyl methacrylate.

55. (withdrawn) The method of claim 49 wherein said C<sub>1</sub>-C<sub>4</sub> alkyl acrylate hardening monomer is provided in an amount of between about 15% and about 30% by weight based on the total weight of the acrylic polymeric adhesive.

56. (withdrawn) The method of claim 49 wherein said functionalizing monomer which facilitates crosslinking is selected from the group consisting of acrylic acid, hydroxy

thylacrylate, hydroxy ethylacrylate, methacrylic acid, and acrylamide.

57. (withdrawn) The method of claim 49 wherein said functionalizing monomer which facilitates crosslinking is provided in an amount of between about 1% and about 10% by weight based on the total weight of the acrylic polymeric adhesive.

58. (withdrawn) The method of claim 49 wherein said C<sub>4</sub>-C<sub>12</sub> alkyl acrylate is selected from the group consisting of 2-ethylhexyl acrylate, butyl acrylate, n-decyl, n-nonyl, 2 ethyoctyl, isoocetyl and dodecyl-acrylate and is provided in an amount of between about 60% and about 80% by weight based on the total weight of the acrylic polymeric adhesive and wherein said C<sub>1</sub>-C<sub>4</sub> alkyl acrylate hardening monomer is selected from the group consisting of methyl acrylate, methyl methacrylate, ethylacrylate, ethyl methacrylate, hydroxyethyl acrylate and hydroxy propyl methacrylate and is provided in an amount of between about 15% and about 30% by weight based on the total weight of the acrylic polymeric adhesive.

59. (withdrawn) The method of claim 58 wherein said highly plasticizing drug is selected from the group consisting of selegiline, fluoxetine, Des-methyl selegiline, tetracaine and chlorpheniramine.

60. (withdrawn) The method of claim 59 wherein said highly plasticizing drug is provided in an amount of between about 3% and about 25% by weight of the therapeutic adhesive formulation.

61. (withdrawn) The method of claim 60 wherein said highly plasticizing drug is provided in an amount of between about 3% and about 18% by weight of the therapeutic adhesive formulation.

62. (withdrawn) The method of claim 49 wherein said crosslinking agent is selected from the group consisting of

butyl titinate, polybutyl titinate, aluminum isopropoxide, aluminum zinc acetate, multivalent metals, methylol ureas and melamines.

63. (withdrawn) The method of claim 49 wherein said crosslinking agent is provided in an amount of between about 0.005% and about 2% based on the total weight of the acrylic polymeric adhesive.

64. (withdrawn) A therapeutic adhesive formulation comprising:

between about 65% and about 97%, by weight, of an acrylic polymeric adhesive which includes between about 40% and about 90% of a C<sub>4</sub>-C<sub>12</sub> alkyl acrylate, between about 10% and about 40% by weight of a C<sub>1</sub>-C<sub>4</sub> alkyl acrylate hardening monomer; between about 1% and about 20% by weight of a functionalizing monomer which facilitates crosslinking; and a crosslinking agent; and

between about 3% and about 35% by weight, based on the weight of said mixture, of a highly plasticizing drug.

65. (withdrawn) The therapeutic adhesive formulation of claim 64 wherein said C<sub>4</sub>-C<sub>12</sub> alkyl acrylate is selected from the group consisting of 2-ethylhexyl acrylate, butyl acrylate, n-decyl, n-nonyl, 2 ethyoctyl, isooctyl and dodecyl-acrylate.

66. (withdrawn) The therapeutic adhesive formulation of claim 64 wherein said C<sub>4</sub>-C<sub>12</sub> alkyl acrylate is provided in an amount of between about 60% and about 80% by weight based on the weight of the adhesive.

67. (withdrawn) The therapeutic adhesive formulation of claim 65 wherein said C<sub>1</sub>-C<sub>4</sub> alkyl acrylate hardening monomer is selected from the group consisting of methyl acrylate, methyl methacrylate, ethylacrylate, ethyl methacrylate, hydroxyethyl acrylate and hydroxy propyl methacrylate.

68. (withdrawn) The therapeutic adhesive formulation of claim 64 wherein said C<sub>1</sub>-C<sub>4</sub> alkyl acrylate hardening monomer is

provided in an amount of between about 15% and about 30% by weight based on the weight of the adhesive.

69. (withdrawn) The therapeutic adhesive formulation of claim 64 wherein said functionalizing monomer which facilitates crosslinking is selected from the group consisting of acrylic acid, hydroxy thylacrylate, hydroxy ethylacrylate, methacrylic acid and acrylamide.

70. (withdrawn) The therapeutic adhesive formulation of claim 64 wherein said functionalizing monomer which facilitates crosslinking is provided in an amount of between about 3% and about 8% by weight based on the weight of the adhesive.

71. (withdrawn) The therapeutic adhesive formulation of claim 64 wherein said highly plasticizing drug is selected from the group consisting of selegiline, fluoxetine, Des-methyl selegiline, tetracaine and chlorpheniramine.

72. (withdrawn) The therapeutic adhesive formulation of claim 71 wherein said highly plasticizing drug is selegiline.

73. (withdrawn) The therapeutic adhesive formulation of claim 64 wherein said highly plasticizing drug is provided in an amount of between about 3% and about 25% by weight of the finished adhesive and drug mixture.

74. (withdrawn) The therapeutic adhesive formulation of claim 73 wherein said highly plasticizing drug is provided in an amount of between about 3% and about 18% by weight of the finished adhesive and drug mixture.

75. (withdrawn) The therapeutic adhesive formulation of claim 74 wherein said crosslinking agent is selected from the group consisting of butyl titinate, polybutyl titinate, aluminum isopropoxide, butyl titinate, aluminum zinc acetate, multivalent metals, methylol ureas and melamines

76. (withdrawn) The therapeutic adhesive formulation of claim 75 wherein said crosslinking agent is provided in an

amount of between about 0.005% and about 2.0% based on the weight of the adhesive.

77. (withdrawn) The therapeutic adhesive formulation of claim 64 wherein said formulation is anhydrous and substantially free of volatile solvents after drying.

78. (withdrawn) A drug containing and releasing adhesive mixture comprising:

between about 65 % and about 97 %, by weight of an acrylic polymeric adhesive which includes between about 60% and about 80% of a C<sub>4</sub>-C<sub>12</sub> alkyl acrylate selected from the group consisting of 2-ethylhexyl acrylate, butyl acrylate, n-decyl, n-nonyl, 2 ethyoctyl, isoocetyl and dodecyl-acrylate; between about 15% and about 30% by weight of a C<sub>1</sub>-C<sub>4</sub> alkyl acrylate hardening monomer selected from the group consisting of methyl acrylate, methyl methacrylate, ethylacrylate, ethyl methacrylate, hydroxyethyl acrylate and hydroxy propyl methacrylate; between about 1% and about 20% by weight of a functionalizing monomer which facilitates crosslinking selected from the group consisting of acrylic acid, hydroxy thylacrylate, hydroxy ethylacrylate, methacrylic acid and acrylamide; and a crosslinking agent provided in an amount of between about 0.005% and about 2.0%; and

between about 3% and about 35% by weight, based on the weight of said mixture, of a highly plasticizing drug selected from the group consisting of selegiline, fluoxetine, Des-methyl selegiline, tetracaine and chlorpheniramine.

79. (withdrawn) The therapeutic adhesive formulation of claim 78 wherein said highly plasticizing drug is selegiline.

80. (withdrawn) The therapeutic adhesive formulation of claim 78 which does not include a solvent after drying.

81. (withdrawn) A method of producing a therapeutic adhesive formulation for use in a transdermal patch comprising the steps of: selecting an acrylic polymeric adhesive which is

suitable for use with highly plasticizing drugs based upon it's content of between about 40% and about 90% of a C<sub>4</sub>-C<sub>12</sub> alkyl acrylate and between about 10% and about 40% by weight of a C<sub>1</sub>-C<sub>4</sub> alkyl acrylate hardening monomer; and mixing said acrylic polymeric adhesive with a highly plasticizing drug in an amount of between about 3% and about 65% by weight based on the weight of said mixture.

82. (withdrawn) The method of producing a therapeutic adhesive formulation for use in a transdermal patch of claim 81 further comprising the step of: selecting an acrylic polymeric adhesive which is suitable for use with highly plasticizing drugs based upon it's content of between about 40% and about 90% of a C<sub>4</sub>-C<sub>12</sub> alkyl acrylate and between about 10% and about 40% by weight of a C<sub>1</sub>-C<sub>4</sub> alkyl acrylate hardening monomer; between about 1% and about 20% by weight of a functionalizing monomer which facilitates crosslinking; and a crosslinking agent.

83. (withdrawn) The method of producing a therapeutic adhesive formulation for use in a transdermal patch of claim 82 further comprising the step of: drying said mixture of said acrylic polymeric adhesive and said highly plasticizing drug to form a matrix capable of controlling the release of said highly plasticizing drug when placed in a transdermal patch and applied to the skin of a patient and which will not ooze, suffer from adhesive failure, fall off of a patient prematurely or be difficult to remove when necessary.

84. (currently amended) A transdermal delivery system which has been dried at a predetermined processing temperature consisting essentially of a blend of:

- (a) one or more hydrophobic acrylic polymers; and
- (b) a therapeutically effective amount of one or more drugs, at least one of which is of low molecular weight and liquid at or about room temperatures,

wherein said system is substantially free of both water and liquids other than said at least one drug having a normal boiling point (i) below said predetermined processing temperatures temperature and (ii) equal to or greater than the normal boiling points of the low molecular weight drugs.

85. (canceled).

86. (previously presented) The transdermal delivery system of claim 84 wherein said acrylic polymers include a C<sub>4</sub>-C<sub>12</sub> alkyl acrylate.

87. (previously presented) The transdermal delivery system of claim 86 wherein said acrylic polymers include a C<sub>1</sub>-C<sub>4</sub> alkyl acrylate hardening monomer.

88. (previously presented) The transdermal delivery system of claim 87 wherein said acrylic polymers include a functionalizing monomer.

89. (previously presented) The transdermal delivery system of claim 88 wherein said acrylic polymers include a cross-linking agent.

90. (previously presented) The transdermal delivery system of claim 84 wherein said at least one of said one or more drugs has a molecular weight of less than about 300 MW.

91. (previously presented) The transdermal delivery system of claim 84 including from about 3% to 35% of said therapeutically effective amount of one or more drugs.

92. (currently amended) A transdermal delivery system which has been dried at a predetermined processing temperature consisting essentially of a blend of:

- (a) a hydrophobic acrylic polymer; and
- (b) a therapeutically effective amount of a drug having a low molecular weight and being a liquid at or about room temperatures temperature, wherein said system is substantially free of both

water and liquids other than said drug having a  
~~normal~~ boiling point

- (i) below processing temperature and
- (ii) equal to or greater than the ~~normal~~  
boiling points of the low molecular  
weight-drugs drug,

whereby said transdermal drug delivery system, subsequent to processing, is free of said water and liquids other than said drug.